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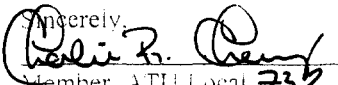
Re: Docket Nos. FMCSA-2001-9709 ⁶⁰⁶ and FMCSA-2000-7382 ⁶²⁹

Dear Secretary Mineta:

As a transit worker, and a member of the Amalgamated Transit Union (ATU), I strongly urge you to **reconsider the new rule** recently issued by the Federal Motor Carrier Safety Administration (FMCSA) (67 FR 49742), requiring States to disqualify a commercial drivers' license (CDL) holder from driving a commercial motor vehicle (CMV) if they are convicted of certain serious traffic violations committed while operating a non-CMV.

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DEPT OF TRANSPORTATION

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Allen Carter Jr.
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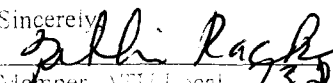
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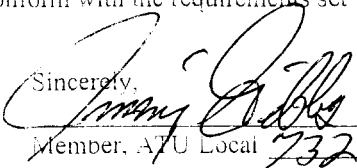
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Under this new rule, I could lose my CDL, and thus my job, if I receive more than one speeding ticket within a three year period while operating my own personal vehicle, regardless of whether my State revokes my personal drivers' license. This was clearly not the intent of Congress, which authorized the FMCSA to require the disqualification of a CDL holder's CMV driving privileges **only** after the person has been **both convicted and has had his/her non-commercial drivers' license revoked, cancelled or suspended by the State.**

Please, reconsider this rule and amend its provisions to conform with the requirements set forth by Congress. **My job could be at stake!**

Sincerely,

Member, ATU Local 792

La Sala Urges Mineta to Reconsider New CDL Rule

International President Jim La Sala has written to Secretary of Transportation Norman Mineta, October 30, requesting that the Federal Motor Carrier Safety Administration reconsider a recently-issued regulation which could disqualify commercial drivers' license (CDL) holders from driving commercial motor vehicles (CMVs) if they are convicted of certain serious traffic violations committed while operating a non-CMV (see September-October 2002, In Transit, page 8). Disqualification will also occur following any conviction for a drug or alcohol-related offense committed while driving a passenger vehicle.

Needlessly Threatens Livelihoods

The new penalties for non-CMV convictions are the same as the penalties for offenses committed while driving a CMV. Under this rule, a CDL holder will be disqualified for 60 days after a second conviction involving a non-CMV within a three year period, and for 120 days following a third or subsequent conviction. The new regula-

tion can be obtained from the *Federal Register* website at http://www.access.gpo.gov/su_docs/fedreg/a020731c.html.

In his letter La Sala asserted that, if left unchanged, the new rule "will needlessly threaten the livelihoods of tens of thousands of ATU members, as well as other CDL holders, without any commensurate benefit in terms of safety."

"Simply put," La Sala wrote, "why should anyone who receives two speeding tickets while driving his own car have his job placed in jeopardy, regardless of his professional safety record? ...not only is this policy wrong, but there is no statutory basis for the rule."

The letter lays out the ways in which the regulation goes beyond the language of the statute on which it is based, and concludes, "The ATU is prepared to seek judicial review to protect the interests of its members in this matter. We would hope, however, that court proceedings would be unnecessary in this case, where the policy is wrong and legal error so easily corrected."

Write Your Own Letter to Secretary Mineta:

ATU CDL members are urged to write to Transportation Secretary Norman Mineta to ask him to reconsider the new CDL regulation (see above) which could needlessly put many ATU members and other CDL holders out of work. A sample letter is provided below that members may use as the basis of a letter they write in their own words. The letter can also be sent electronically by going to <http://www.unionvoice.org/campaign/cdl>, or clicking on the appropriate link on the ATU website, atu.org.

Date:

The Honorable Norman Mineta
Secretary, U.S. Department of Transportation
500 Seventh Street, SW
Washington, D.C. 20590

Re: Docket Nos. FMCSA-2001-9709 and FMCSA-2000-7382

Dear Secretary Mineta:

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Please, reconsider this rule and amend its provisions to conform with the requirements set forth by Congress. **My job could be at stake!**

Sincerely,


Member, ATU Local 732